XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

23

आदेश पत्रक

मामला क्रमांक Cr.R 478/07 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Applicant Shri. Baswaraj Vishwanath Mangrule, S/o Vishwanath Mangrule, Aged about 45 yrs, Occupation: Business, Prop. M/s S.B. Engineers, Mayurban Colony, Shahnoorwadih, Aurangabad (A.P.)

Vs

Respondent Shri Sanjay Pandey, S/o Shivwachan Pandey, R/o : B-10, Shailendra Nagar, Police Station-City Kotwali, Raipur, District Raipur (Chhattisgarh)

Present:
Mr. P.K. Patel, Advocate for the applicant.

O R A L O R D E R
(24th October, 2007)

Per Dhirendra Mishra, J;

The applicant by the instant petition under Section 482 of the Cr.P.C. has prayed for quashment of entire proceedings of Complaint Case No.167/07 pending before the learned Judicial Magistrate 1st Class, Raipur on the basis of complaint filed by the respondent/complainant under Section 138 of the Negotiable Instruments Act.

Learned counsel for the applicant submits that the applicant is being prosecuted as two cheques issued by the power of attorney holder of the present applicant for a sum of Rs.3,10,000/- & Rs.5,00,000/- were returned unpaid, as the account has been closed. He further submits that the prosecution is based on the special power of attorney

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executed by the present applicant in favour of one Rajesh Vinayak Rao Nimbharkar, however, the said power of attorney was to remain in force only up to 7.3.2006, whereas, the cheques were issued subsequent thereto.

I have heard learned counsel for the applicant.

The fact whether the power of attorney executed by the applicant herein was valid on the date of issuance of cheques is a matter to be considered after evidence is recorded in the matter and the complaint cannot be quashed on that ground at the inception.

Therefore, the petition has no substance, the same deserves to be dismissed and it is hereby dismissed at the admission stage itself.

Sd/-
DHIRENDRA MISHRA
Judge

Roshan

[पीछे देखिये